

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Christopher V. Downey,

Plaintiff,

v.

Case No. 1:09cv634

Blaise A. Downey,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on August 26, 2010 (Doc. 20) and the Objections filed by Plaintiff (Doc. 22).

When objections are received to a magistrate judge's Report and Recommendation on a dispositive matter, the assigned district judge "shall make a de novo determination...of any portion of the magistrate judge's disposition to which specific written objection has been made...." Fed. R. Civ. P. 72(b). After review, the district judge "may accept, reject or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." *Id*; see also 28 U.S.C. 636(b)(1)(B). General objections are insufficient to preserve any issues for review; "[a] general objection to the entirety of the magistrate's report has the same effects as would a failure to object." *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6<sup>th</sup> Cir. 1991). Here, no specific objection has been made. The Petitioner simply restates his prior arguments.

Having reviewed this matter de novo pursuant to 28 U.S.C. 636, this Court finds the Magistrate Judge's Report and Recommendation to be correct. Because this Court

concludes that the Magistrate Judge correctly articulated the proper reasoning in the Report and Recommendation, issuance of a detailed written opinion by this court would be duplicative and serve no useful purpose.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Defendant's Motion to Dismiss (Doc. 12) is **DENIED as MOOT**; Defendant's Amended Motion to Dismiss (Doc. 14) is **GRANTED**. Counts 3, 6, 9, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38 of Plaintiff's complaint are hereby dismissed.

**IT IS SO ORDERED.**

s/Michael R. Barrett  
United States District Judge